

**REMARKS**

In the October 21, 2004 Office Action, the Examiner noted that claims 1-53 were pending in the application and rejected all of the claims under 35 U.S.C. § 103. In rejecting the claims, U.S. Patents 5,717,939 to Bricklin et al.; 5,793,350 to Chandavarkar et al.; 6,388,638 to Fukushima et al. (References A (on page 1), H and K (both on page 2) in the June 6, 2003 Office Action); 6,477,572 to Elderton et al. (Reference A in the October 21, 2004 Office Action); and 5,809,183 to Serizawa et al. (Reference A in the May 19, 2004 Office Action) were cited. Claims 7-12, 20-24 and 32-36 have been cancelled and thus, claims 1-6, 13-19, 25-31 and 37-53 remain in the case. The Examiner's rejections are traversed below.

In items 5-18 on pages 2-9 of the Office Action, the Examiner rejected claims 1, 2, 7, 8, 13, 14, 19, 20, 25, 26, 31, 32, 37, 39, 41, 43, 44, 46, 47, 49, 50 and 52 under 35 U.S.C. § 103(a) as unpatentable over Bricklin et al. in view of Elderton et al. In making this rejection, it was asserted that blocks 2438 and 2440 in Fig. 24 of Bricklin et al. disclosed "a first storing section associating the calculated magnification ratio with said image and retaining the associated magnification ratio" (Office Action, page 4, lines 17-18). The identified blocks in Fig. 24 contain the following words, "Determined scale factor for entry" and "Store relative values of descriptors in memory as target cell data". Clearly, the term "scale factor" applies to a single entry. Since block 2436 contains the words, "Determined bounds of target cell" from Fig. 24 alone it appears that the word "entry" corresponds to a single "target cell". Thus, the "scale factor" relates to a single cell in a "spreadsheet" (block 2410) that is displayed. As discussed in the Amendment filed August 18, 2004, the image magnification ratio was calculated so that the "image substantially conforms with at least one of vertical and horizontal display sizes on the **whole** of said display screen" (claim 1, lines 8-9, emphasis added). Unless the "target cell" or "entry" in Fig. 24 fills "the whole of said display screen" (claim 1, line 9), the teachings in Fig. 24 of Bricklin et al. are not particularly relevant to the limitations discussed above.

The meaning of the words in blocks 2438 and 2440 are explained in columns 17 and 18 of Bricklin et al. The "scale factor" (block 2438) is determined to make "the entry to fit the target cell" (column 18, line 1) and the "relative values of descriptors" (block 2440) that are stored "as target cell data" (block 2440) are the "scale factor, together with the original stroke descriptors" (column 18, line 2). The term "stroke descriptors" is used on line 2 of column 18 because the "entry" is determined based on "stylus movement during entry of handwritten input" (column 17, lines 51-52) that is monitored to generate "[d]escriptors of the handwritten entry ... and the bounds of the entry" (column 17, lines 52-54) which is associated with "the target cell" (column

17, line 55). Thus, it is clear that the "scale factor" in block 2438 of Fig. 24 in Bricklin et al. has no relationship to the size of the display screen, but rather is used to fit handwritten text within a cell of a spreadsheet, even if during data entry, some of the handwritten text was not contained within the boundaries of the cell. Adjusting the size of handwritten text in this manner is illustrated in Figs. 13A-13H of Bricklin et al. which are discussed below with respect to the rejection of claim 3, etc. in items 19-31 on pages 9-14 of the Office Action.

The relationship of the "entry" to the size of the display screen would be determined based on "the 'zooming' system " (column 16, lines 52-53) disclosed by Bricklin et al. As explained in column 16 of Bricklin et al.,

[t]o display the target cell content at an arbitrary display magnification level, the relative magnification factor for the output display level is determined at block 2555. The combined display factor (consisting of the ratio of the output relative magnification factor divided by the **stored** input relative magnification factor, multiplied by the scaled to fit scale factor, if any) is calculated at block 2557

(column 16, lines 60-66, emphasis added). Thus, according to this section of Bricklin et al., what is stored is an "input relative magnification factor" and according to the previously cited portion of column 18, the scale factor (to fit) is apparently also stored. However, there is no suggestion that the value determined at block 2555 is stored and furthermore, the value calculated at block 2555 relates merely to the amount the stored values are magnified during "zooming" without reference to the display screen size.

In other words, Bricklin et al. discloses adjusting the magnification of handwritten entries to fit within the boundaries of a single spreadsheet cell and making further adjustments in the size of the cell (and the text therein) to support "zooming." It is submitted that one of ordinary skill in the art would consider "zooming" as taught by Bricklin et al. to be completely independent of the display screen size, unless there is specific teaching of taking the display screen size into account. Take as an example the "zoom" function in Microsoft Word which allows the user to apply an "arbitrary display magnification level" (Bricklin et al., column 16, lines 60-61) which can be large enough that a single line of text does not fit on the screen and the horizontal scroll bar has to be used to adjust what is displayed on the screen, so that the entire line can be read by the user. Many other programs, such as Microsoft PowerPoint and Microsoft Excel, as well as many programs not distributed Microsoft, included a horizontal scroll bar in 2001 when the subject application was filed.

Furthermore, nothing cited or found in Elderton et al. suggests modification of Bricklin et al. to overcome the deficiencies discussed above. The teachings of Elderton et al. were

discussed in the last full paragraph on page 3 and the paragraph spanning pages 3 and 4 of the Office Action. The cited portions of Elderton et al. were “Fig. 3, item 48” as a “step” (Office Action, page 3, line 17) and “column 7, line[s] 6-9” (Office Action, page 3, line 19). Since reference numeral 48 appears in Fig. 6 of Elderton et al. and column 7, lines 6-9 of Elderton et al. is part of the description of Fig. 6, it is assumed that “Figure 3” was a typographical error and therefore, Fig. 6 will be discussed.

The words in block 48 of Fig. 6 in Elderton et al. are “CALCULATE AVAILABLE DISPLAY AREA” and the cited portion of column 7 states that in step 48 “the display routine ... determines the size of the user’s display screen and the display resolution selected for the console” (column 7, lines 7-9). It is submitted that this does not add anything to the teachings of Bricklin et al. If we assume that it would have been obvious to one of ordinary skill in the art that the “‘zooming’ system” (Bricklin et al., column 16, line 53) and “magnification factor or the zoom level at which the ‘ink’ is entered” (Bricklin et al., column 15, lines 61-62) inherently took the size of the display screen into account, the claims still distinguish over Bricklin et al. As discussed above and in the August 18, 2004 Amendment, the present invention associates “the image magnification ratio with said image and retaining the image magnification ratio as associated with said image” (claim 1, lines 10-11), where the “image magnification ratio” is calculated “so that at least one of said vertical and horizontal sizes of said image substantially conforms with at least one of vertical and horizontal display sizes on the whole of said display screen” (claim 1, lines 7-9). In other words, the present invention is directed to sizing the image to fit on the screen, not merely determining a magnification level that is being used or adjusting the size of handwritten text to fit within a cell that uses only part of a display screen. Nothing has been cited or found in Bricklin et al. directed to sizing an image to fit on a screen, as recited in the independent claims.

For the above reasons, it is submitted that one of ordinary skill in the art would not have found it obvious to construct a device that includes “a first storing section associating the image magnification ratio with said image and retaining the image magnification ratio as associated with said image” (claim 1, lines 10-11). Similar limitations are recited in claims 43, 46, 49 and 52. Therefore, it is submitted that these claims and claims 2, 4-6, 13-19, 25-31, 37-42, 44, 47 and 50 which depend therefrom, patentably distinguish over Bricklin et al. in view of Elderton et al.

In items 19-31 on pages 9-14 of the Office Action, claims 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33, 34, 38, 40, 42, 45, 48, 51 and 53 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bricklin et al. in view of Serizawa et al. (assuming that “42, 5, 8, 51” on the first line of

item 19 should be 42, 45, 48, 51"). In making this rejection, it was asserted that block 2438 in Fig. 24 of Bricklin et al. calculates a "magnification ratio of said image on the basis of the character size so that said character in said image is displayed at a predetermined size on said display screen" (Office Action, page 9 lines 13-15). Furthermore, it was asserted that the operation performed in block 2438 "calculates the magnification ratio and  $X_b$  and  $Y_b$  are the predetermined sizes" (Office Action, page 9, lines 15-16). Since there is no " $X_b$  and  $Y_b$ " in Fig. 24, it is assumed that these algebraic symbols refer to Fig. 13E and the text describing Fig. 13E at column 13, line 30 to column 14, line 59. As stated therein, "FIG. 13E illustrates the X and Y dimensions for bounds 1330 of the entry 'Acme Sales' ... [where] ' $X_b$ ' is the horizontal dimension of bounds 1330 ... [and] ' $Y_b$ ' is the vertical dimensions of bounds 1330" (column 13, lines 30-34). From a comparison of Figs. 13B and 13E, it is clear that the value  $Y_b$  represents the difference between the highest point of any character and lowest point of any character in the handwritten text "Acme Sales" while  $X_b$  represents the difference between the left-most point of the letter "A" and the portion of the final "s" that is farthest to the right. In the example, it appears that the value  $Y_b$  is determined from the highest point of the "A" to the lowest point of the "S". Even if in this particular example the value of  $Y_b$  is determined solely by the letter "S", it is clear that the value  $Y_b$  is not necessarily determined by a single letter.

In other words, not only does Bricklin et al. fail to disclose "obtaining a character size used most frequently in said image" (claim 3, lines 3-4), as acknowledged in the last paragraph on page 9 of the Office Action, but even if the teachings of Serizawa et al. are added to those in Bricklin et al. to include detecting such a character size, there is no teaching in the combined references of "calculating a magnification ratio of said image on the basis of ... [any] character size so that said character in said image is displayed at a predetermined size" (claim 3, lines 5-6). On the contrary, as illustrated in Fig. 13F, the purpose of determining the values  $X_b$  and  $Y_b$  is not to display a character in a predetermined size, but rather to adjust the size of the characters so that they fit within predetermined bounds of a "target cell," as discussed above.

For the above reasons, it is submitted that claims 3, 45, 48, 51 and 53, as well as claims 4, 15, 16, 27, 28, 38, 40 and 42 which depend from claim 3, patentably distinguish over Bricklin et al. in view of Serizawa et al.

In items 32-37 on pages 14-16 of the Office Action, claims 5, 11, 17, 23, 29 and 35 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bricklin et al. in view of Serizawa et al. and further in view of Chandavarkar et al. Nothing was cited or found in Chandavarkar et al. suggesting modification of Bricklin et al. in view of Serizawa et al. to overcome the deficiencies

discussed above. Since claims 5, 17 and 29 depend from claim 3, it is submitted that claims 5, 17 and 29 patentably distinguish over Bricklin et al. in view of Serizawa et al. and further in view of Chandavarkar et al. for the reasons discussed above with respect to claim 3.

In items 38-43 on pages 17-19 of the Office Action, claims 6, 12, 18, 24, 30 and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bricklin et al. in view of Serizawa et al. and further in view of Fukushima et al. Nothing was cited or found in Fukushima et al. teaching or suggesting the modification of Bricklin et al. in view of Serizawa et al. to overcome the deficiencies discussed above with respect to claim 3. Since claims 6, 18 and 30 all depend from claim 3, it is submitted that claims 6, 18 and 30 patentably distinguish over Bricklin et al. in view of Serizawa et al. and further in view of Fukushima et al. for the reasons discussed above with respect to claim 3.

### Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-6, 13-19, 25-31 and 37-53 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: \_\_\_\_\_

1/21/05

By: \_\_\_\_\_

*Richard A. Golhofer*

Richard A. Golhofer  
Registration No. 31,106

1201 New York Ave, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501